

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

GINGER POON,

Plaintiff,

v.

VISA U.S.A. Inc.,

Defendant.

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1:21-CV-569-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Visa U.S.A. Inc.'s motion for sanctions, (Dkt. 70), and Plaintiff Ginger Poon's motion to compel, (Dkt. 71), and motion to quash, (Dkt. 72). (R. & R., Dkt. 80). Plaintiff timely filed an objection to the motion. (Dkt. 82).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 80), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant's motion for sanctions, (Dkt. 70), is **GRANTED**.

The Court finds that Plaintiff has persistently refused to meet her discovery obligations, even after being warned by both this Court and Judge Lane that failure to do so would result in the imposition of sanctions. Because milder sanctions have been unsuccessful in ensuring compliance with Court orders and her discovery obligations, dismissal is the only viable sanction.

Accordingly, **IT IS FINALLY ORDERED** that Plaintiff's claims are **DISMISSED with prejudice**.

The Court will enter final judgment by separate order.

**SIGNED** on April 12, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE